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| 10/815,101   | 03/31/2004  | James Storms         | 1054-001USD1        | 6561             |
| 28863 7590 06/27/2008<br>SHUMAKER & SIEFFERT, P. A.<br>1625 RADIO DRIVE<br>SUITE 300<br>WOODBURY, MN 55125 |             |                      |                     |                  |
| EXAMINER<br>PLUCINSKI, JAMESUE A   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3629   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pairedocketing@ssiplaw.com

# Office Action Summary

## Application No.

10/815,101

## Applicant(s)

STORMS ET AL.

## Examiner

JAMISUE A. PLUCINSKI

## Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)  
Paper No(s)/Mail Date 20040816
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 8, 9, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 2005/0225430).

3. With respect to claims 1 and 19: Siefert discloses the use of a method and computer readable medium performing the method (see abstract) comprising:

- a. Reading a client credential card (Paragraph 0014) to identify a client of a social service organization (Paragraphs 0015, 0016 and 0021);
- b. Retrieving data associated with the identified client from a database (see abstract and paragraph 0025);
- c. Determining whether the identified client is permitted to receive a service provided by the social service organization based on the retrieved data (paragraphs 0018, 0028 and 0031).

4. With respect to Claims 2 and 20: Siefert discloses the use of the privileges which are accessed are those related to welfare, which the examiner considers welfare to be a form of a

social service organization , and is a government agency which provides things such as money, housing and employment assistance.

5. With respect to Claim 4: See Paragraph 0028.
6. With respect to Claims 8 and 9: See Paragraphs 0023 and 0025.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
9. Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Lessin (4,868,376).
10. With respect to Claims 5 and 21: Siefert discloses the use of accessing services using a card, however fails to disclose the service is for delivery. Lessin discloses the use of a card used for access services such as delivery (column 20, lines 33-51). It would have been obvious to one

having ordinary skill in the art at the time the invention was made, to modify Siefert to allow for the service to be a service for delivery, as disclosed by Lessin, for the added benefit of the customer/user service. (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

11. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Hunter et al. (US 2007/0275690).

12. With respect to Claims 6 and 22: Siefert discloses the use of accessing services using a card, however fails to disclose the service is for housing. Hunter discloses the use of a card which is used for emergency notification, such as an offer for housing (Paragraphs 0054 and 0083). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert to have the card used in emergency purposes and deliver a message offering shelter/housing, as disclosed by Hunter, for the added benefit of notifying a user when shelter is available to allow the user to be more informed (See Hunter, Page 5). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

13. Claims 3, 10-14, 18, 33-38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US 2005/0225430) in view of Saito et al. (7, 278,025).

14. With respect to Claim 3: Siefert discloses the use of cards which can be used to access privileges, however fails to disclose the steps of determining includes indicating a past incident

or security advisory. Saito discloses the use of the client terminal being linked to negative databases which identifies lost or stolen cards, or restrictions placed on cards (Column 7, lines 27-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert to include the feature of checking with negative databases, as disclosed by Saito, in order to increase security of the card (See Saito, Column 7).

15. With respect to Claims 10 and 33: Siefert discloses the use of a system (abstract) comprising a database (Paragraph 0025) and with the use of a card that can be used to access services. Siefert however fails to positively disclose the use of a card reader and an access workstation coupled to the card reader which reads card and retrieves the information from the database on access to the services. Saito discloses the use of an access workstation (200) which is coupled to a card reader (208) and access the database to determine whether a client can receive services Column 7, lines 6-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Siefert to include the access workstation and card reader of Saito, in order to include the functionality of live capture of user information at the site needed (See Saito, Column 7) (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

16. With respect to Claim 11 and 34: Siefert discloses the use of the priveledges which are accessed are those related to welfare, which the examiner considers welfare to be a form of a social service organization , and is a government agency which provides things such as money, housing and employment assistance.

17. With respect to Claims 12 and 42: See Siefert Paragraph 0025 and Saito Column 7, lines 6-27.

18. With respect to Claims 13 and 36: Saito discloses the use of the client terminal being linked to negative databases which identifies lost or stolen cards, or restrictions placed on cards (Column 7, lines 27-37).

19. With respect to Claim 14: See Siefert, Paragraph 0028.

20. With respect to Claim 18: See Siefert, Paragraphs 0023 and 0025.

21. With respect to Claim 35 and 37: Siefert and Saito disclose the use of cards which access services and for collecting data on usage, however fails to disclose the data collected comprising usage of housing and demographic data. The specific type of data collected is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The steps of determining and providing access would be performed the same regardless of what type of data is being collected. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

22. With respect to Claim 38: See Seifert, Paragraph 0028 and 0034.

23. Claims 7, 23-25, 29, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Zou et al. (US 2004/0064332).

24. With respect to Claims 7 and 23: Siefert discloses the use of providing services to a card member, however fails to disclose updating the database to reflect the provision. Zou discloses the use of a method for using a credential card to provide services to a card member, and

discloses updating the database based on the provision (Reference Numeral 1530 with corresponding detailed description). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Siefert to include the feature of updating the database to reflect the provision, as disclosed by Zou, in order to keep a log of benefits or services used for record keeping purposes (See Zou, Pages 6 and 7). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

25. With respect to Claim 24: Siefert discloses the use of a method (See abstract) comprising the steps:

- d. collecting data, including identification data, associated with the clients (Paragraph 0027);
- e. creating a record within a database for each of the clients from the data collected (Paragraphs 0035-0042);
- f. generating a client credential card for each of the clients using at least a portion of the collected data (Paragraphs 0035-0042);
- g. reading the credential cards to identify clients when the client attempts to receive services from a social service organization (Paragraphs 0014-0016 and 0021).

26. Siefert however fails to disclose updating the records within the database based on services received to track usage of services. Zou discloses the use of a method for using a credential card to provide services to a card member, and discloses updating the database based on the provision, where usage of the benefits can be tracked (Reference Numeral 1530 with corresponding detailed description). It would have been obvious to one having ordinary skill in



the art at the time the invention was made to modify Siefert to include the feature of updating the database to reflect the provision, as disclosed by Zou, in order to keep a log of benefits or services used for record keeping purposes (See Zou, Pages 6 and 7). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

27. With respect to Claim 25: Siefert discloses the use of the privileges which are accessed are those related to welfare, which the examiner considers welfare to be a form of a social service organization , and is a government agency which provides things such as money, housing and employment assistance.

28. With respect to Claim 28: Siefert and Zou disclose the use of cards which access services and for collecting data on usage, however fails to disclose the data collected comprising demographic data. The specific type of data collected is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The steps of determining and providing access would be performed the same regardless of what type of data is being collected. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

29. With respect to Claim 29: See Siefert, Paragraphs 0028 and 0034.

30. With respect to Claims 30 and 31: Zou discloses the use of usage reports (See reference numeral 262 with corresponding detailed description and Paragraph 0066)

31. With respect to Claim 32: See Zou, Figure 8 with corresponding detailed description.

32. Claims 17 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert and Saito as applied to claims 10 and 33 above, and further in view of Zou et al (US 2004/0064332).

33. With respect to Claims 17 and 39: Siefert and Saito disclose the use of providing services to card holders. However, fail to disclose updating the records within the database to reflect the provision, and fails to disclose generating a report on the provision. Zou discloses the use of a method for using a credential card to provide services to a card member, and discloses updating the database based on the provision (Reference Numeral 1530 with corresponding detailed description) and generating a report (Reference Numeral 262 with corresponding detailed description, and Paragraph 0066). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Siefert and Saito to include the feature of updating the database to reflect the provision and providing the reports, as disclosed by Zou, in order to keep a log of benefits or services used for record keeping purposes (See Zou, Pages 6 and 7). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

34. With respect to Claims 40 and 41: See Zou, Figure 8 with corresponding detailed description and Paragraph 0066.

35. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert and Zou as applied to claim 24 above, and further in view of Saito et al. (7,278,025).

36. With respect to Claim 27: Siefert and Zou disclose the use of cards which can be used to access privileges, however fails to disclose the steps of determining includes indicating a past

incident or security advisory. Saito discloses the use of the client terminal being linked to negative databases which identifies lost or stolen cards, or restrictions placed on cards (Column 7, lines 27-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert and Zou to include the feature of checking with negative databases, as disclosed by Saito, in order to increase security of the card (See Saito, Column 7).

37. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert and Saito as applied to claim 10 above, and further in view of Lessin (4,868,376).

38. With respect to Claim 16: Siefert and Saito disclose the use of accessing services using a card, however fails to disclose the service is for delivery. Lessin discloses the use of a card used for access services such as delivery (column 20, lines 33-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert and Saito to allow for the service to be a service for delivery, as disclosed by Lessin, for the added benefit of the customer/user service. (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

39. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert and Saito as applied to claim 10 above, and further in view of Hunter et al. (US 2007/0275690).

40. With respect to Claim 15: Siefert and Saito disclose the use of accessing services using a card, however fails to disclose the service is for housing. Hunter discloses the use of a card which is used for emergency notification, such as an offer for housing (Paragraphs 0054 and

0083). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert and Saito to have the card used in emergency purposes and deliver a message offering shelter/housing, as disclosed by Hunter, for the added benefit of notifying a user when shelter is available to allow the user to be more informed (See Hunter, Page 5). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

41. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert and Zou as applied to claim 24 above, and further in view of Hunter et al. (US 2007/0275690).

42. With respect to Claim 26: Siefert and Zou disclose the use of accessing services using a card, however fails to disclose the service is for housing. Hunter discloses the use of a card which is used for emergency notification, such as an offer for housing (Paragraphs 0054 and 0083). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Siefert and Zou to have the card used in emergency purposes and deliver a message offering shelter/housing, as disclosed by Hunter, for the added benefit of notifying a user when shelter is available to allow the user to be more informed (See Hunter, Page 5). (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

***Conclusion***

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houvener (6,424,249) discloses the use of an identification system and method for identify a user of a card for a service and McDonald et al. (US 2003/0097382) discloses the use of identifying changes in a token, which is used to access services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamisue A. Plucinski/  
Primary Examiner, Art Unit 3629